

ORDINANCE NO. 07-36

AN ORDINANCE AMENDING CHAPTER 17.146 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO A TRANSIT ORIENTED DEVELOPMENT DISTRICT (TOD).

Now, therefore, be it ordained by the Murray City Municipal Council as follows:

*Section 1. Purpose.* The purpose of this ordinance is to amend Chapter 17.146 relating to a Transit Oriented Development District.

*Section 2. Amendment.* Chapter 17.146 of the Murray City Municipal Code relating to Transit Oriented Development (TOD) District is hereby amended to read as follows:

**Chapter 17.146**

**TRANSIT ORIENTED DEVELOPMENT DISTRICT**

Sections:

- 17.146.010 Purpose.
- 17.146.020 TOD Boundaries.
- 17.146.030 Municipal Council adopts TOD Guidelines – Conformance with requirements.
- 17.146.040 Definitions.
- 17.146.050 Uses.
- 17.146.060 Area, Width, Frontage And Yard Regulations.
- 17.146.070 Height Regulations.
- 17.146.080 First Floor Requirements.
- 17.146.090 Parking Regulations.
- 17.146.100 Loading and Service Areas.
- 17.146.110 Buildings and Lots That Straddle The TOD Boundary.
- 17.146.120 Open Space.
- 17.146.130 Access Improvements.
- 17.146.140 Obtaining building permit.

**17.146.010 Purpose.**

The purpose of a Transit Oriented Development District (TOD) is to encourage pedestrian-oriented design, promote development and protect the public health, safety and welfare by preserving the unique character of existing areas for future use and development. The TOD encourages compact, mixed-use development near transit stops. Carefully planned mixed uses, including neighborhood-oriented commercial and restaurant space, provide increased opportunities for transit and pedestrian activity. It is established to preserve and encourage the pedestrian character of commercial areas

and to promote street life and activity by regulating building orientation and design and accessory parking facilities while prohibiting certain high impact and automobile-oriented uses. A TOD is facilitated by site and community design standards that:

- A. Encourage high-quality, compact development and increase the number of residents and workers within walking distance of transit opportunities;
- B. Encourage a mix of high-quality residential, office, commercial, live-work, open space, entertainment, recreation, public and institutional land uses;
- C. Revitalize areas proximate to transit stations;
- D. Improve the urban design in the area;
- E. Encourage active community life within a framework of attractive and welcoming buildings and useable open spaces;
- F. Coordinate the urban design and streetscape elements in order to create a distinct visual quality for the area;
- G. Manage parking and access in a manner that enhances pedestrian safety, pedestrian mobility and quality urban design;
- H. Efficiently use public and private resources by reducing parking requirements for development in close proximity to a transit stop;
- I. Provide incentives for structured parking, new roads and public open spaces to enhance the design and function of the built environment;
- J. Encourage a safe, attractive and comfortable environment for the pedestrian and bicyclist by providing public open spaces, public pedestrian walkways, wide sidewalks, bike lanes, street furniture, pedestrian scale lighting, street trees and other appropriate amenities.

#### **17.146.020 TOD boundaries.**

The TOD is centered in the Fireclay area around the TRAX light rail Murray North Station and is bounded by Big Cottonwood Creek on the north, 15 feet east of Main Street on the east, 4500 South Street on the south, and the D&RGW (Union Pacific) railroad tracks on the west.

#### **17.146.030 Municipal Council adopts TOD Guidelines – Conformance with requirements**

The Murray City Municipal Council shall adopt TOD Guidelines. Property located within the TOD shall be developed in conformance with the provisions set forth herein

and with the TOD Guidelines. For purposes of this Chapter, landscaping requirements and encroachment allowances shall be governed by the TOD Guidelines. All uses shall meet the requirements and standards set forth in this Chapter.

**17.146.040 Definitions.**

For purposes of this Chapter:

“Development parcel” means a lot or contiguous lots under the control of a single development entity.

“Principal street” means a collector or arterial street, including Main Street and Fireclay Avenue.

“Renovation” means physical modification to a building that involves the entire building or has a substantial visual impact on the building or the surroundings. By way of illustration, renovation includes without limitation, overall building design, exterior facades, site landscape and parking.

**17.146.050 Uses.**

A. A use not specifically designated is prohibited. The inclusion of a major heading, includes all subcategories listed under the major heading unless otherwise excepted. For example, listing 6900 MISCELLANEOUS SERVICE ORGANIZATIONS includes all categories and subcategories listed from 6910 through 6999.

B. The following uses are permitted in the TOD:

Use No.	Use Classification
1100	Household Units (excepting 1110)
1240	Retirement homes
1300	Residential hotels and apartment hotels
1511	Hotels
4100	Railroad, rapid rail transit, and street railway transportation
4210	Bus transportation (except 4214 and 4215)
4601	No fee parking lots and garages (except surface parking lots not associated with a permitted use)
4210	Commercial parking lots and garages on a fee basis (except surface parking lots not associated with a permitted use)
4710	Telephone communications (except 4712)
4730	Radio communications
4740	Television communications
4750	Radio and television communications, combined
4760	Recording and sound studios
4800	Utilities (offices, lines and right-of-way only; except 4812, 4813, 4822, 4823, 4832, 4842, 4843, 4845, 4850, 4861, and 4874)

4920	Transportation services and arrangements (with no more than five employees in no more than 2,500 square feet, no loading dock, deliveries and shipping only by van or small truck during normal business hours, no odors, no outside storage)
5310	Department stores
5320	Mail order houses (no loading dock, deliveries and shipping only by van or small truck during normal business hours)
5330	Variety stores
5350	Direct selling organizations (no loading dock, deliveries and shipping only by van or small truck during normal business hours, no outside storage)
5390	General merchandise
5400	Food stores
5600	Apparel and accessories
5810	Eating places (except 5813; no drive-through sales)
5910	Drug and proprietary
5920	Liquor, package (state store)
5930	Antiques and secondhand merchandise (except 5935, 5938 and 5939-construction materials)
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies
5970	Jewelry
5990	Miscellaneous retail trade
6100	Finance, insurance, and real estate (except 6112, pay-day loan services, 6123, 6124, and 6141-surety bail bonding)
6213	Dry cleaning (in no more than 7,500 square feet, no outside storage)
6216	Self-service laundries
6218	Rug cleaning and repair (in no more than 7,500 square feet, no outside storage)
6220	Photographic services
6230	Beauty and barber services
6241	Funeral home
6250	Apparel repair, alteration, and cleaning, shoe repair services (except 6256)
6290	Personal services (except 6293, 6294)
6310	Advertising services (office only, no outside storage, no billboards)
6320	Consumer credit reporting services
6330	Duplicating, mailing, stenographic, and office services
6340	Dwelling and building services (office only) (except 6342, 6345)
6350	News syndicate services (office only)
6360	Employment services
6390	Business services (office only, except 6394 and 6397)
6420	Electrical appliance repair and service (except 6421 and 6426; in no more than 5,000 square feet, no outside storage)
6493	Watch, clock, jewelry repair, engraving
6496	Locksmiths and key shops

6498	Saw, knife, lawn mower and tool sharpening (in no more than 5,000 square feet, no outside storage)
6499	Miscellaneous small item repair (in no more than 5,000 square feet, no outside storage)
6500	Professional services (office only, except 6513 and 6516)
6700	Governmental services (except 6714, 6740, 6750, and 6770)
6800	Educational services
6900	Miscellaneous service organizations
7100	Cultural activities and nature exhibitions (except 7124)
7210	Entertainment assembly (except 7213)
7220	Sports assembly (except 7223 and 7224)
7230	Public assembly
7391	Penny arcades and other coin operated amusements
7395	Card rooms
7396	Dance halls, ballrooms (includes dance clubs)
7397	Billiard and pool halls
7399	Astrologers, bicycle rental, fortune tellers, tourist guides, phrenologist (office only)
7413	Tennis courts
7414	Ice skating
7417	Bowling alleys
7420	Playgrounds and athletic areas
7425	Athletic clubs, body-building studios
7432	Swimming pools and schools
7451	Archery range (indoor only)
7492	Picnic areas
7600	Parks (public and private)
8221	Veterinarian services (completely enclosed within a building, no overnight boarding)
8224	Pet grooming (completely enclosed within a building, no overnight boarding)

C. A development parcel may have more than one main building.

D. The following accessory structures and buildings, which are customarily used in conjunction with and are incidental to the principal uses and structures, are permitted:

1. Parking structures, and
2. other accessory buildings which do not in aggregate have a footprint greater than 25% of the footprint of the main buildings on a development parcel.

E. More than one permitted use may be located on a development parcel and within a building.

F. The following uses and structures are permitted in the TOD only after a conditional use permit has been approved by the planning commission and subject to the terms and conditions thereof:

Use No.	Use Classification
1210	Rooming and boarding houses
1515	Transient apartments rented by day or week
2000	Manufacturing Industries (handwork trades only with no more than five employees in no more than 2,500 square feet, no loading dock, deliveries and shipping only by van or small truck during normal business hours, no odors, no outside storage) )
3220	Glass and glassware (pressed or blown, handwork trades only with no more than five employees in no more than 2,500 square feet, no loading dock, deliveries and shipping only by van or small truck during normal business hours, no odors, no outside storage) )
3250	Pottery and related products (excepting 3251 and 3255, handwork trades only with no more than five employees in no more than 2,500 square feet, no loading dock, deliveries and shipping only by van or small truck during normal business hours, no odors, no outside storage) )
3500	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks (handwork trades only with no more than five employees in no more than 2,500 square feet, no loading dock, deliveries and shipping only by van or small truck during normal business hours, no odors, no outside storage)
3900	Miscellaneous manufacturing (handwork trades only with no more than five employees in no more than 2,500 square feet, no loading dock, deliveries and shipping only by van or small truck during normal business hours, no odors, no outside storage) )
5100	Wholesale Trade (excepting 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, 5198, 5199-firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; with no more than five employees in no more than 5,000 square feet, no loading dock, deliveries and shipping only by van or small truck during normal business hours, no odors, no outside storage)
5813	Short order eating places with no product specialty, auto oriented (drive-in or drive through establishments, etc.)
5820	Drinking places - alcoholic beverages
6516	Sanitariums, convalescent and rest home services (Lodging and meals offered with full time medical staff. Does not include asylums.)

#### **17.146.060 Area, Width, Frontage And Yard Regulations.**

A. All main buildings shall front on either a public or private street including private pedestrian-only streets, paths or courts. Buildings that front on a courtyard that fronts on a street shall be deemed to front on the street.

B. For development in the TOD east of Utah Transit Authority light rail lines, the front set-back for main buildings, excepting courtyards and plazas, shall be between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. Up to 50% of the front set-back may be greater than twenty five feet (25') if the additional front set-back is developed as a courtyard or plaza. Main buildings may have detached components within a courtyard or plaza if the uses in the detached component enhance activity on the courtyard or plaza. In the case of pedestrian-only streets, paths or courts, a minimum width of twenty-five feet (25') from building face to building face shall be required.

C. The courtyard or plaza area shall be deemed to be a part of the front set-back of the building.

D. Buildings located on a corner lot shall front on both streets.

E. All front set-back areas shall be landscaped in accordance with the TOD Guidelines.

F. Parking is not permitted in the front set-back area of any building.

G. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment and loading docks shall not be permitted in the front set-back of any building. Single or ganged utility meters or other service equipment may be located in the front set-back of any building, provided there are site constraints which preclude their access in a location elsewhere on site, and they are screened and approved by the City.

H. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment and loading docks shall be set back a minimum of 25 feet (25') beyond the closest front set-back.

I. The side lot area between non-adjoining buildings and the property line shall be developed as parking, plaza, landscaped open space, or a landscaped walkway with access to the sidewalk.

J. No parking lot or parking structure shall front Principal Streets except Main Street. A parking structure fronting on a non-Principal street with office or retail uses along the entire frontage of the first floor, excluding drive lanes, shall have a front set-back of between fifteen feet (15') and twenty-five feet (25') from the back of curb and gutter. The parking structure front set-back shall not be less than the set-back of the main building.

K. Surface parking lots facing the street frontages other than Principal streets shall have a minimum set-back of fifteen feet (15') from the back of curb.

L. There shall be a minimum 50' setback from the top of the bank of the Little Cottonwood Creek.

**17.146.070 Height Regulations.**

There are no height restrictions in the TOD except as provided herein.

**17.146.080 First Floor Requirements.**

- A. Main buildings, situated east of the UTA Trax light rail lines or fronting principal streets, shall have first floors with a minimum ceiling height of 12 feet measured from floor deck to floor deck. For purposes of this section, main buildings shall not include townhouses.
- B. Multi-story buildings designed for non-residential uses on the first floor shall have walls, partitions and floor/ceiling assemblies separating dwelling units from other spaces with a sound transmission classification (STC) of at least 50 for air-borne noise.
- C. West of Main Street, the portion of the first floor of any building devoted to the sale of retail goods shall not exceed 50,000 square feet.

**17.146.090 Parking Regulations.**

- A. Parking for buildings that exceed forty-five feet (45') in height, at least 75% of the parking shall be located within the exterior walls of the building or in a parking structure that is within seven-hundred and fifty feet (750') of the main building. For the purposes of this Chapter, building height is determined by measuring the vertical distance from the average of the finished ground level adjoining the building at the exterior wall to a flat roof deck or, for sloped roofs, to the average height of the highest roof surface. Pursuant to section 17.20.090, the height limitations shall not apply to architectural screening for mechanical equipment, church spires, and decorative tower elements.
- B. If more than 25% of the off-street parking is provided in surface parking lots, the minimum parking shall be:
  - 1. For residential units with two bedrooms or less, 1.5 stalls per unit.
  - 2. For residential units with more than two bedrooms, 1.85 stalls per unit.
  - 3. When the office uses or net usable square footage is unknown, off-street parking will be calculated at one parking stall for each two hundred sixty-five (265) square feet of net usable office area or retail floor area.
  - 4. All medical, dental and related office uses will require one off-street parking stall for each two hundred sixty-five (265) square feet of net usable office area.



5. All other office uses will be calculated at the ratio of three (3) off-street parking stalls for each one thousand (1,000) square feet of net usable floor area.

6. Retail use parking shall be calculated at the rate of one parking space for each two hundred sixty-five (265) square feet of net usable floor area.

C. If 75% or more of the off-street parking is provided within the main buildings or within parking structures with two or more floors, the minimum parking shall be:

1. For residential units with two bedrooms or less, 1.125 stalls per unit.

2. For residential units with more than two bedrooms, 1.4 stalls per unit.

3. When the office uses or net usable square footage is unknown, off-street parking will be calculated at one parking stall for each three hundred fifty (350) square feet of net usable office area or retail floor area.

4. All medical, dental and related office uses will require one off-street parking stall for each three hundred fifty (350) square feet of net usable office area.

5. All other office uses will be calculated at the ratio of two and one-quarter (2.25) off-street parking stalls for each one thousand (1,000) square feet of net usable floor area.

6. Retail use parking shall be calculated at the rate of one parking space for each three hundred fifty (350) square feet of net floor area.

7. On street parking adjacent to the development parcel shall count toward the minimum parking required by this Chapter provided that the on-street parking shall be subject to any restrictions imposed by the City.

D. Off-street parking is not permitted in any fire lane, aisle space or front yard setback areas.

#### **17.146.100 Loading and Service Areas.**

Trash collection and recycling areas, service and storage areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from the adjacent public streets or alleys and adjacent properties. Screening shall have a minimum height of eight feet (8') and may include accessory buildings, shrubbery and plantings, decorative walls, solid fences, screen panels, doors, topographic changes, buildings or any combination of the above.

#### **17.146.110 Buildings and Lots That Straddle The TOD Boundary.**

If a building is partially within the TOD District and partially within another zoning district, the entire building shall conform to the requirements of the TOD District. The portion of any parcel within the TOD District shall conform to the requirements of the TOD District.

#### **17.146.120 Open Space.**

- A. Twenty percent (20%) of the area of each parcel shall be developed as landscaped set-backs, courtyards, plazas, open space, or walkways.
- B. Each parcel shall have a system of pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, sidewalks, parking areas, open space and public trails.

#### **17.146.130 Access Improvements.**

- A. Construction of new buildings or renovations of existing buildings shall include construction and installation of the adjacent sidewalks, park strips and other landscaping, curbs, gutters, lighting, and street furniture in conformance with the TOD Design Guidelines adopted pursuant to this Chapter.
- B. Private streets shall be installed within any project in which the main buildings do not front on a public street.
- C. The improvements within the rights of way for the principal streets shall include:
  - 1. Paved sidewalks adjacent to the private property line shall be installed according to city specifications established by the city engineer and in conformance with the TOD Design Guidelines adopted pursuant to this Chapter.
  - 2. Park strip between the sidewalk and the curb installed in conformance with the TOD Design Guidelines adopted pursuant to this Chapter and which shall contain appropriate tree plantings and landscaping in accordance with the TOD Guidelines.
  - 3. Pedestrian lighting.
  - 4. Benches.
  - 5. Trash receptacles.
- D. The improvements within the public rights of way and adjacent to non-principal streets and private streets shall include:

1. Paved sidewalks installed in conformance with the TOD Design Guidelines adopted pursuant to this Chapter.
2. Park strip between the sidewalk and the curb installed in conformance with the TOD Design Guidelines adopted pursuant to this Chapter and which shall contain appropriate tree plantings and landscaping in accordance with the TOD Guidelines.
3. Pedestrian lighting.
4. Benches within passenger loading areas.
5. Trash receptacles within fifteen feet (15') of entry and exit doors of any retail establishment.

**17.146.140 Obtaining building permit.**

A. No person shall obtain a building permit for new construction or for renovation of existing buildings that exceed twenty percent (25%) of the assessed value of the buildings without first preparing and presenting the information required by this section, 17.146.135 paying the applicable design review fee, and receiving design approval from the Community Development Division.

B. The City shall review the plans for conformance with the requirements of the Murray City Municipal Code and the TOD Design Guidelines that have been adopted by the Murray City Municipal Council. The City shall determine the following before approval is given:

1. The project is in general conformance with the Murray City General Plan.
2. The project is in general conformance with the specific area plan, if any, adopted for the area.
3. The project conforms with the requirements of the applicable sections of the Zoning Ordinance.
4. The project does not jeopardize the health, safety, or welfare of the public.
5. The project conforms to the applicable standards outlined in the TOD Design Review Guidelines.

C. If the City denies approval of the submitted plans, the denial shall be accompanied by a letter indicating the areas where the plans must be changed to obtain approval.

D. A denial of approval by the City may be appealed to the Board of Adjustment.

E. Applicants for design review and approval shall submit any or all of the following information, as requested by the City:

1. Project identification information including the project name, the specific location of the project including street addresses and parcel sidwell numbers, applicant name and representatives (if any other than applicant); and proposed uses.
2. Vicinity map or aerial photo with site plan overlay, to scale, showing the project location in relationship to neighboring buildings and the surrounding area.
3. Grading plan.
4. Site plan, to scale, showing proposed parking, loading and service areas, and vehicular and pedestrian circulation.
5. Detailed elevations of all sides of the proposed building and other exterior elements, including exterior building materials.
6. Sign plan.
7. Landscape plan.
8. Exterior lighting plan.
9. Floor plans.
10. Utilities plan.
11. Drainage plan.
12. Other design information requested by the City.

C. Three copies of each plan must be submitted to the City. The City shall retain one copy of the plans. One copy of the plans shall be returned to the applicant stamped to show the approval or the denial of approval. In addition to the improvements to be built on the applicant's property, submitted plans must include improvements to be built in the public rights-of-way.

D. If the construction of building improvements has not commenced within eighteen months of the design approval or if construction has ceased for a period of one-year or longer, the design approval shall expire. Applicants may request an extension of up to six calendar months during the final month prior to expiration. After the expiration of a design approval, the applicant shall be required to resubmit the plans, pay the design review approval fee, and obtain design approval prior to the issuance of a building